

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Charles LU, et al.  
Serial No. 10/632,557  
Filed: July 31, 2003

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Art Unit 4127

Examiner: GOLDMAN, Michael H.  
(571) 274-5101

Office Action mailed:  
January 21, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This paper is responsive to the Office Action mailed on the date shown above.

An extension of time, or further extension of time, is requested in the event one is required for this paper. Pursuant to 37 C.F.R. § 1.136(a)(3), authorization is hereby granted to charge any required extension of time fees according to 37 C.F.R. § 1.17, or any other fees necessary to avoid abandonment of this Application, to Deposit Account No. 50-0365.

Summary of Examiner Interview is on page 2, claims begin on page 3 and remarks begin on page 9.

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## Interview Summary

An Examiner interview was held on July 8, 2008 regarding the content of the Office Action noted above.

No agreement was reached on claims.

A synopsis of the Bilski/101 rejection was discussed.

The meaning of the rejection for part of the “comprising one or more of” clause of the rejection of claim 1 was discussed, and it was suggested by the Examiner that Applicant’s should review the EAST search on PAIR to determine if more elements than “time to live” have been identified.

The Examiner addressed the Official Notice of performance monitoring, stating it was general one and that novel, non-obvious performance monitoring techniques would likely be allowed.